

Article - Environment

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§7–512.

(a) Except as provided in subsections (b) and (c) of this section, a participant may withdraw from the Program at the time of a pending application or response action plan, or after receiving a certificate of completion, and may not be obligated to complete an application or a response action plan if the participant:

(1) Provides 10 days' written notice of the anticipated withdrawal to the Department;

(2) Stabilizes and secures the eligible property to the satisfaction of the Department to ensure protection of the public health and the environment; and

(3) Forfeits any application fees.

(b) (1) Except as provided in paragraph (2) of this subsection, an inculpable person who withdraws from the Program may not be required by the Department to clean up the eligible property.

(2) If an inculpable person withdraws from the Program, the inculpable person shall be liable for new contamination or the exacerbation of existing contamination at the eligible property as provided in § 7–505 of this subtitle.

(c) If a responsible person withdraws from the Program, the Department may take any applicable enforcement action authorized under this title.

(d) If a participant fails to meet the schedule for implementation and completion of the response action plan that is set forth in the plan, the Department may:

(1) Reach an agreement with the participant to revise the schedule of completion in the response action plan; or

(2) If an agreement cannot be reached under paragraph (1) of this subsection, withdraw approval of the response action plan.

(e) (1) Except as provided in paragraph (2) of this subsection, if the Department withdraws approval of an inculpable person's response action plan under subsection (d)(2) of this section, the inculpable person may not be required by the Department to complete the response action plan.

(2) If the Department withdraws approval of an inculpable person's response action plan under subsection (d)(2) of this section, the inculpable person:

(i) Shall stabilize and secure the eligible property to ensure protection of the public health and the environment; and

(ii) Shall be liable for new contamination or the exacerbation of existing contamination at the eligible property as provided in § 7-505 of this subtitle.

(3) If the Department withdraws approval of a responsible person's response action plan:

(i) The responsible person shall stabilize and secure the eligible property to ensure protection of the public health and the environment; and

(ii) The Department may take any applicable enforcement action authorized under this title.

(f) If an application, a response action plan, or a certificate of completion is withdrawn under this section:

(1) Any letter or certificate of completion issued to an applicant or a participant under this subtitle shall be void; and

(2) Any bond or other security shall be maintained for a period not to exceed 16 months from the date the response action plan is withdrawn.

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